

SIXTY-FIRST LEGISLATURE - REGULAR SESSION**FIFTY NINTH DAY**

House Chamber, Olympia, Wednesday, March 11, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jessica Bowman and Abdul Conteh. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Lieutenant Colonel Timothy Bedsole, Deputy Chaplain for First Corps and Fort Lewis.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

SPEAKER'S PRIVILEGE

The Speaker (Representative Moeller presiding) took a moment of personal privilege to acknowledge four neighbors from Fort Lewis who were leaving on Friday for a one year tour in Iraq. Seated on the rostrum were: Brigadier General Peter Bayer, Chief Of Staff for I First Corps and Fort Lewis; Lieutenant Colonel Timothy Bedsole; Deputy Chaplain of I First Corps and Fort Lewis; Captain Dan Futrell, Aide-De-Camp to General Bayer; and Command Sergeant Major Daniel Verbeke, 593rd Sustainment Brigade

The Speaker (Representative Moeller presiding) also acknowledged Lieutenant Colonel Nicholas Lorusso, Fort Lewis Deputy Staff Judge Advocate; a Mobilized Army Reservist, Colonel Lorusso who was also was a member from the 94th District in the Louisiana State Legislature.

The Speaker (Representative Moeller presiding) also acknowledged the family members who would be remaining in Washington State. Seated In the North Gallery are: Mrs. Lhoryn Bayer, wife of General Bayer; Mrs. Tammie Bedsole, wife Of Lieutenant Colonel Bedsole; Ms. Bethany Bedsole, daughter of Lieutenant Colonel Bedsole; Mrs. Oriana Futrell, wife of Captain Futrell and Legislative Assistant to Representative Seaquist; Ms. Jeanie Dimico, Family Readiness Support Assistant, 593rd Support Brigade.

The Speaker (Representative Moeller presiding) asked the Chamber to acknowledge its guests and their families.

SPEAKER'S PRIVILEGE

The Speaker (Representative Moeller Presiding) took a moment of personal privilege to recognized a delegation celebrating Dairy Day: Eryn Edwards, 2009 Washington State

Dairy Ambassador of Olympia and Dairy Ambassador ; Alternates Adrienne Schoenbachler of Stanwood and Trisha Dykstra of Burlington.

The Speaker (Representative Moeller Presiding) welcomed representatives from the Dairy Ambassador Committee, Washington State Dairy Women, Dairy Farmers Of Washington, Washington State Dairy Federation Washington State Dairy Products Commission And County Dairy Ambassadors from all around the State.

RESOLUTION

HOUSE RESOLUTION NO. 2009-4631, by Representatives Wallace, Angel, Warnick, Hasegawa, Goodman, Kenney, Dammeier, Sells, Johnson, Cox, Probst, Jacks, Hope, Campbell, Orwall, Hunt, Maxwell, Finn, Morrell, Quall, and Conway

WHEREAS, The Washington State Achievers Scholarship Program was founded in 2000 to assist high school students striving for higher education; and

WHEREAS, The Achievers Scholarship Program was created through a collaborative effort by the Bill & Melinda Gates Foundation and the College Success Foundation; and

WHEREAS, Sixteen high schools in Washington are Achievers schools with a focus on preparing students for a college education with mentors and scholarship opportunities; and

WHEREAS, The Achievers Scholarship Program aims to create a positive environment and provide funding for children of low-income families to attend college; and

WHEREAS, The Achievers Scholarship Program works actively with teachers to enforce the three Rs: Rigor in courses, relevance of the courses and coursework, and relationships in creating a college-going culture; and

WHEREAS, Before the creation of the program, only nine percent of children from low-income families earned a bachelor's degree; and

WHEREAS, Seventy-five percent of the participants in the Achievers Scholarship Program are expected to receive a bachelor's degree; and

WHEREAS, The Achievers Scholarship Program is a highly successful effort to increase college enrollment of students in Washington and has earned recognition for its contributions to education and youth;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives support the role of the Washington State Achievers Scholarship Program; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to all sixteen Achievers' high schools, the Bill & Melinda Gates Foundation, and the College Success Foundation.

HOUSE RESOLUTION NO. 4631 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Moeller presiding) recognized Washington State Achievers Scholarship recipients in the Gallery, along with the staff from the College Success Foundation which administers the scholarships. These students represent 16 high schools from all over the State.

RESOLUTION

HOUSE RESOLUTION NO. 2009-4633, by Representatives Dickerson and Conway

WHEREAS, People with all kinds of disabilities have the right to live and work in communities with equal rights as equal citizens; and

WHEREAS, Living in a home in the community of your choice, free from isolation and segregation, is one key to achieving the American dream; and

WHEREAS, Those with disabilities are no longer willing to accept a fate that separates or excludes them; and

WHEREAS, There are several independent living centers in Washington state working with individuals with disabilities on obtaining access to housing, employment, transportation, recreational facilities, and health and social services; and

WHEREAS, People live happier, more fulfilled lives when they are able to actively contribute to society by working, volunteering, and participating in community events; and

WHEREAS, With the assistance of over 32,000 home and personal care workers in Washington state who are working to reduce unnecessary institutionalization and promote integration into community life, independent living is no longer an unattainable dream; and

WHEREAS, Living independently gives people the option to manage their own services, increasing control over their own decisions and lives; and

WHEREAS, Independent living empowers individuals with disabilities by creating opportunities, promoting choice, advancing access, and furthering participation in community life; and

WHEREAS, Governor Gregoire has proclaimed March 11, 2009, as Independent Living Day;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and support

the independence and rights of all individuals with disabilities on March 11, 2009, Independent Living Day.

HOUSE RESOLUTION NO. 4633 was adopted.

MESSAGES FROM THE SENATE

March 10, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5179,
SUBSTITUTE SENATE BILL NO. 5248,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5321,
SUBSTITUTE SENATE BILL NO. 5380,
SECOND SUBSTITUTE SENATE BILL NO. 5484,
SUBSTITUTE SENATE BILL NO. 5509,
SENATE BILL NO. 5525,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5529,
SUBSTITUTE SENATE BILL NO. 5571,
SENATE BILL NO. 5680,
SUBSTITUTE SENATE BILL NO. 5719,
SUBSTITUTE SENATE BILL NO. 5779,
SUBSTITUTE SENATE BILL NO. 5802,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5880,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5889,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5890,
SENATE BILL NO. 5952,
SUBSTITUTE SENATE BILL NO. 5957,
SUBSTITUTE SENATE BILL NO. 5987,
SUBSTITUTE SENATE BILL NO. 6024,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6037,
SUBSTITUTE SENATE BILL NO. 6088,
SENATE BILL NO. 6104,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 10, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5840, and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 10, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5850, and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 10, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5688, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1782, by Representatives Goodman, Roberts, Walsh, Dickerson, Darneille, Kagi and Nelson

Concerning parent participation in dependency matters.

There being no objection, the substitute by the Committee on Early Learning & Children's Services was substituted for House Bill No. 1782 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1782 was read the second time.

Representative Goodman moved the adoption of amendment (260):

On page 6, line 11, after "not" strike "had" and insert "been maintaining consistent"

On page 6, beginning on line 11, after "care" strike "for six months or longer"

Beginning on page 16, line 24, strike all of section 6 and insert the following:

"Sec. 6. RCW 13.34.180 and 2001 c 332 s 4 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (2) or (3) of this section applies:

(a) That the child has been found to be a dependent child;

(b) That the court has entered a dispositional order pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether

the conditions will be remedied the court may consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; ((or))

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; or

(iii) Failure of the parent to have contact with the child for an extended period of time after the filing of the dependency petition if the parent was provided an opportunity to have a relationship with the child by the department or the court and received documented notice of the potential consequences of this failure, except that the actual inability of a parent to have visitation with the child including, but not limited to, mitigating circumstances such as a parent's incarceration or service in the military does not in and of itself constitute failure to have contact with the child; and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

(2) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

(3) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

(a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(4) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at

hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number)."

Correct the title.

Representatives Goodman and Haler spoke in favor of the adoption of the amendment.

Amendment (260) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1782.

MOTION

On motion of Representative Santos, Representative Seaquist was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1782 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Seaquist.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1793, by Representatives Williams, Goodman, Nelson, White, Pedersen, Roberts, Upthegrove and Eddy

Addressing alternative student transportation.

There being no objection, the substitute by the Committee on Transportation was substituted for House Bill No. 1793 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1793 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Williams spoke in favor of the passage of the bill.

Representative Roach spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1793.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1793 and the bill passed the House by the following vote: Yeas, 83; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Armstrong, Chandler, Condotta, Cox, Crouse, Hinkle, Kretz, Kristiansen, Pearson, Roach, Schmick, Shea and Short.

Excused: Representative Seaquist.

SUBSTITUTE HOUSE BILL NO. 1793, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1919, by Representatives Kagi, Goodman, Pedersen, Rodne, Roberts, Hinkle, Dickerson, Moeller, Santos and Wood

Operating and administering a drug court program.

There being no objection, the substitute by the Committee on Ways & Means was substituted for House Bill No. 1919 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1919 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi, Dammeier, Goodman, Orcutt and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1919.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1919 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Sells, Simpson, Smith, Schmick, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Seaquist.

SUBSTITUTE HOUSE BILL NO. 1919, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1290, by Representatives Maxwell, Rodne, Kenney, Green, Clibborn, Liias, Anderson and Hunter

Concerning local tourism promotion areas.

There being no objection, the substitute by the Committee on Finance was substituted for House Bill No. 1290 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1290 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Maxwell, Johnson, Smith, Eddy and Anderson spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1290.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1290 and the bill passed the House by the following vote: Yeas, 83; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Condotta, Cox, Crouse, Ericksen, Herrera, Klippert, Kretz, McCune, Orcutt, Roach, Schmick, Shea and Short.

Excused: Representative Seaquist.

SUBSTITUTE HOUSE BILL NO. 1290, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2206, by Representative Darneille

Including costs as authorized expenditures from the OASI revolving fund and OASI contribution account.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Darneille, Alexander and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2206.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2206 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Seaquist.

HOUSE BILL NO. 2206, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2271, by Representatives Liias, Rodne, Sells, Clibborn, Johnson, Takko, Van De Wege, Springer, Williams, Finn, Nelson, Seaquist and Simpson

Authorizing state forces to perform work on ferry vessels or terminals when estimated costs are less than one hundred twenty thousand dollars.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Liias and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2271.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2271 and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Ericksen and Hinkle

Excused: Representative Seaquist.

HOUSE BILL NO. 2271, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1496, by Representatives Roberts, Hurst, O'Brien, Simpson, Hinkle, Van De Wege, Ericks and Sells

Changing the membership to the state interoperability executive committee.

There being no objection, the substitute by the Committee on Public Safety & Emergency Preparedness was substituted for House Bill No. 1496 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1496 was read the second time.

Representative Hurst moved the adoption of amendment (274):

On page 2, line 28, after "(3)" insert "Legislative members of the state interoperability executive committee shall not be reimbursed for travel expenses. Nonlegislative members must seek reimbursement for travel and other membership expenses through their respective agencies or organizations.

(4)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Hurst and Pearson spoke in favor of the adoption of the amendment.

Amendment (274) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Roberts and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1496.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1496 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Seaquist.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1663, by Representatives Goodman, Springer, Simpson, Roberts, Miloscia, Nelson, Ormsby and Santos

Creating relocation assistance rights for nontransient residents of hotels, motels, or other places of transient lodging that are shut down by government action.

There being no objection, the substitute by the Committee on Health & Human Services Appropriations was substituted for House Bill No. 1663 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1663 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman, Rodne and Liias spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1663.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1663 and the bill passed the House by the following vote: Yeas, 72; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Condotta, Cox, Crouse, DeBolt, Ericksen, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, Orcutt, Parker, Pearson, Ross, Schmick, Shea, Short and Walsh.

Excused: Representative Seaquist.

SUBSTITUTE HOUSE BILL NO. 1663, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2078, by Representatives Roberts, O'Brien, Walsh, Jacks, Appleton, Goodman, Dickerson, Green, Kagi, Chase, Wood, Kenney and Haler

Concerning persons with developmental disabilities who are in correctional facilities or jails.

There being no objection, the substitute by the Committee on Health & Human Services Appropriations was substituted for House Bill No. 2078 and the substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2078 was read the second time.

Representative Roberts moved the adoption of amendment (282):

On page 2, on line 25, after "corrections," insert "the department of social and health services,"

On page 3, line 12, after "mental illness." Insert the following:

"(6) The work group shall report its recommendations to the appropriate committees of the legislature no later than December 1, 2009."

Representatives Roberts and Dammeier spoke in favor of the adoption of the amendment.

Amendment (282) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Roberts, Dammeier, Bailey, O'Brien and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2078.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2078 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Seaquist.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2078, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2285, by Representatives Flannigan and Simpson

Addressing the formation of local improvement districts and utility local improvement districts comprised of property in more than one city or town.

The bill was read the second time.

With the consent of the House, amendment (316) was withdrawn.

Representative Simpson moved the adoption of amendment (316):

On page 2, after line 6, insert the following:

"NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Simpson spoke in favor of the adoption of the amendment.

Amendment (316) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Flannigan and Darneille spoke in favor of the passage of the bill.

Representative Roach spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2285.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2285 and the bill passed the House by the following vote: Yeas, 70; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Haler, Herrera, Hinkle, Klippert, Kretz, Kristiansen, Orcutt, Parker, Pearson, Roach, Schmick, Shea, Short, Smith and Warnick.

Excused: Representative Seaquist.

ENGROSSED HOUSE BILL NO. 2285, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1199, by Representatives Haigh, Kristiansen, Hunt and Armstrong

Regarding retainage of funds on public works projects.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Kristiansen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1199.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1199 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Seaquist.

HOUSE BILL NO. 1199, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1822, by Representatives Conway, Wood and Ormsby

Authorizing interest arbitration for certain general authority Washington peace officers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Conway spoke in favor of the passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1822.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1822 and the bill passed the House by the following vote: Yeas, 63; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

Excused: Representative Seaquist.

HOUSE BILL NO. 1822, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1954, by Representative Dickerson

Sealing juvenile records under certain conditions.

There being no objection, the substitute by the Committee on General Government Appropriations was substituted for House Bill No. 1954 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1954 was read the second time.

Representative Dickerson moved the adoption of amendment (076):

On page 3, line 11, after "shall be" strike "automatically sealed upon" and insert "sealed no later than thirty days after"

Representatives Dickerson and Dammeier spoke in favor of the adoption of the amendment.

Amendment (076) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1954.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1954 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Seaquist.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1954, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

March 11, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5895, and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2009

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5115,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5262,
SUBSTITUTE SENATE BILL NO. 5318,
SUBSTITUTE SENATE BILL NO. 5332,
SUBSTITUTE SENATE BILL NO. 5698,
SUBSTITUTE SENATE BILL NO. 5705,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5735,
ENGROSSED SENATE BILL NO. 5886,
SUBSTITUTE SENATE BILL NO. 5931,
SENATE BILL NO. 6068,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 1797, by Representatives White, Priest, Springer, Anderson, Miloscia, Nelson, McCoy, Rodne, Simpson and Sullivan

Examining rural and resource lands.

There being no objection, the substitute by the Committee on General Government Appropriations was substituted for House Bill No. 1797 and the substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1797 was read the second time.

Representative Cox moved the adoption of amendment (253):

On page 3, beginning on line 24, after "account." strike all material through "not" on line 25 and insert "The legislature may not appropriate moneys into the account, nor may moneys from the state general fund"

On page 3, line 27, after "act" insert "and for associated administrative costs incurred by the state treasurer"

Representative Cox spoke in favor of the adoption of the amendment.

Representative Simpson spoke against the adoption of the amendment.

Amendment (253) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives White and Priest spoke in favor of the passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1797.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1797 and the bill passed the House by the following vote: Yeas, 68; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Ross, Schmick, Shea, Short, Walsh and Warnick.

SECOND SUBSTITUTE HOUSE BILL NO. 1797, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2222, by Representatives Blake, Kretz, Short, Eddy, Smith, Takko, Hinkle, Hudgins, Springer, Herrera, Morris, Warnick, Williams and Chandler

Concerning construction and industrial storm water general permits. Revised for 1st Substitute: Creating a technical assistance program for industrial and construction storm water permit permittees.

There being no objection, the substitute by the Committee on Agriculture & Natural Resources was substituted for House Bill No. 2222 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2222 was read the second time.

With the consent of the House, amendment (072) was withdrawn.

Representative Blake moved the adoption of amendment (350):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.48.555 and 2004 c 225 s 2 are each amended to read as follows:

The provisions of this section apply to the construction and industrial storm water general permits issued by the department pursuant to the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and this chapter.

(1) Effluent limitations shall be included in construction and industrial storm water general permits as required under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and its implementing regulations. In accordance with federal clean water act requirements, pollutant specific, water quality-based effluent limitations shall be included in construction and industrial storm water general permits if there is a reasonable potential to cause or contribute to an excursion of a state water quality standard.

(2) Subject to the provisions of this section, both technology and water quality-based effluent limitations may be expressed as:

- (a) Numeric effluent limitations;
- (b) Narrative effluent limitations; or
- (c) A combination of numeric and narrative effluent discharge limitations.

(3) The department must condition storm water general permits for industrial and construction activities issued under the national pollutant discharge elimination system of the federal clean water act to require compliance with numeric effluent discharge limits when such discharges are subject to:

- (a) Numeric effluent limitations established in federally adopted, industry-specific effluent guidelines;
- (b) State developed, industry-specific performance-based numeric effluent limitations;
- (c) Numeric effluent limitations based on a completed total maximum daily load analysis or other pollution control measures; or
- (d) A determination by the department that:
 - (i) The discharges covered under either the construction or industrial storm water general permits have a reasonable potential to cause or contribute to violation of state water quality standards; and
 - (ii) Effluent limitations based on nonnumeric best management practices are not effective in achieving compliance with state water quality standards.

(4) In making a determination under subsection (3)(d) of this section, the department shall use procedures that account for:

- (a) Existing controls on point and nonpoint sources of pollution;
- (b) The variability of the pollutant or pollutant parameter in the storm water discharge; and
- (c) As appropriate, the dilution of the storm water in the receiving waters.

(5) Narrative effluent limitations requiring both the implementation of best management practices, when designed to satisfy the technology and water quality-based requirements of the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and compliance with water quality standards, shall be used for construction and

industrial storm water general permits, unless the provisions of subsection (3) of this section apply.

(6) Compliance with water quality standards shall be presumed, unless discharge monitoring data or other site specific information demonstrates that a discharge causes or contributes to violation of water quality standards, when the permittee is:

(a) In full compliance with all permit conditions, including planning, sampling, monitoring, reporting, and recordkeeping conditions; and

(b)(i) Fully implementing storm water best management practices contained in storm water technical manuals approved by the department, or practices that are demonstrably equivalent to practices contained in storm water technical manuals approved by the department, including the proper selection, implementation, and maintenance of all applicable and appropriate best management practices for on-site pollution control.

(ii) For the purposes of this section, "demonstrably equivalent" means that the technical basis for the selection of all storm water best management practices are documented within a storm water pollution prevention plan. The storm water pollution prevention plan must document:

(A) The method and reasons for choosing the storm water best management practices selected;

(B) The pollutant removal performance expected from the practices selected;

(C) The technical basis supporting the performance claims for the practices selected, including any available existing data concerning field performance of the practices selected;

(D) An assessment of how the selected practices will comply with state water quality standards; and

(E) An assessment of how the selected practices will satisfy both applicable federal technology-based treatment requirements and state requirements to use all known, available, and reasonable methods of prevention, control, and treatment.

(7)(a) By November 1, 2009, the department shall modify or reissue the industrial storm water general permit to require compliance ((by May 1, 2009;)) with appropriately derived numeric water quality-based effluent limitations for existing discharges to water bodies listed as impaired according to 33 U.S.C. Sec. 1313(d) (Sec. 303(d) of the federal clean water act, 33 U.S.C. Sec. 1251 et seq.).

(b) ((No later than September 1, 2008;)) The industrial storm water general permit must require permittees to comply with appropriately derived numeric water quality-based effluent limitations in the permit, as described in (a) of this subsection, by no later than six months after the effective date of the industrial storm water general permit.

(c) For permittees that the department determines are unable to comply with numeric water quality-based effluent limitations required by (a) of this subsection, within the timeline established in (b) of this subsection, the department shall establish a compliance schedule.

(i) A compliance schedule provided by the department must require compliance as soon as possible, but no later than eighteen months after the effective date of the industrial storm water general permit.

(ii) The department shall post the compliance schedule on the department's web site prior to issuing the compliance schedule.

(d) The department shall report to the appropriate committees of the legislature specifying how the numeric effluent limitation in (a) of this subsection would be implemented. The report shall identify the number of dischargers to impaired water bodies and provide an

assessment of anticipated compliance with the numeric effluent limitation established by (a) of this subsection.

(8)(a) Construction and industrial storm water general permits issued by the department shall include an enforceable adaptive management mechanism that includes appropriate monitoring, evaluation, and reporting. The adaptive management mechanism shall include elements designed to result in permit compliance and shall include, at a minimum, the following elements:

(i) An adaptive management indicator, such as monitoring benchmarks;

(ii) Monitoring;

(iii) Review and revisions to the storm water pollution prevention plan;

(iv) Documentation of remedial actions taken; and

(v) Reporting to the department.

(b) Construction and industrial storm water general permits issued by the department also shall include the timing and mechanisms for implementation of treatment best management practices.

(9) Construction and industrial storm water discharges authorized under general permits must not cause or have the reasonable potential to cause or contribute to a violation of an applicable water quality standard. Where a discharge has already been authorized under a national pollutant discharge elimination system storm water permit and it is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, the department may notify the permittee of such a violation.

(10) Once notified by the department of a determination of reasonable potential to cause or contribute to the violation of an applicable water quality standard, the permittee must take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document those actions in the storm water pollution prevention plan and a report timely submitted to the department. If violations remain or recur, coverage under the construction or industrial storm water general permits may be terminated by the department, and an alternative general permit or individual permit may be issued. Compliance with the requirements of this subsection does not preclude any enforcement activity provided by the federal clean water act, 33 U.S.C. Sec. 1251 et seq., for the underlying violation.

(11) Receiving water sampling shall not be a requirement of an industrial or construction storm water general permit except to the extent that it can be conducted without endangering the health and safety of persons conducting the sampling.

(12) The department may authorize mixing zones only in compliance with and after making determinations mandated by the procedural and substantive requirements of applicable laws and regulations.

(13) The industrial storm water general permit must include a provision to allow an entity subject to coverage by the permit to apply for an individual storm water permit or coverage under another alternative permit as provided in the industrial storm water general permit.

NEW SECTION. Sec. 2. A new section is added to chapter 90.48 RCW to read as follows:

The provisions of this section apply to the construction and industrial storm water general permits issued by the department pursuant to the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and this chapter.

By July 1, 2010, the department shall implement a technical assistance program as provided by RCW 43.05.030, 43.05.040,

43.05.050, 43.05.060, and 43.05.070. The department shall seek input from stakeholders prior to establishing the technical assistance program and periodically thereafter in an effort to maximize the effectiveness of the technical assistance program. The department shall also seek input from stakeholders to help identify resources needed to implement the department's technical assistance program.

NEW SECTION. Sec. 3. A new section is added to chapter 90.48 RCW to read as follows:

(1) The provisions of this section apply to the construction and industrial storm water general permits issued by the department pursuant to the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and this chapter.

(2) By June 30, 2010, the department shall develop a long-term compliance assessment and enforcement plan for the construction and industrial storm water general permits in accordance with RCW 90.48.560. The plan must:

(a) Be developed with the assistance of a stakeholder advisory committee with representatives of at least industrial and construction permittees, nongovernmental organizations, affected agencies, tribes, and local governments. The department may establish separate stakeholder committees for the industrial storm water general permit and the construction storm water general permit.

(b) Contain provisions to identify entities required to be covered by the permits that are not covered and maximize the number of facilities covered by the permit that are required to be covered by the permit by June 30, 2011.

NEW SECTION. Sec. 4. A new section is added to chapter 90.48 RCW to read as follows:

(1) The department shall create a storm water technical resource center in partnership with a university, nonprofit organization, or other public or private entity to provide tools for storm water management. The center shall use its authority to support the duties listed in this subsection through research, development, technology demonstration, technology transfer, education, outreach, recognition, and training programs. The center may:

(a) Review and evaluate emerging storm water technologies;

(b) Research and develop innovative and cost-effective technical solutions to remove pollutants from runoff and to reduce or eliminate storm water discharges;

(c) Conduct pilot projects to test technical solutions;

(d) Serve as a clearinghouse and outreach center for information on storm water technology;

(e) Assist in the development of storm water control methods to better protect water quality, including source control, product substitution, pollution prevention, and storm water treatment;

(f) Coordinate with federal, state, and local agencies and private organizations in administering programs related to storm water control measures; and

(g) Collaborate with existing storm water outreach programs.

(2) The department shall consult with an advisory committee in the development of the storm water technical resource center. The advisory committee must include representatives from relevant state agencies, local governments, the business community, the environmental community, tribes, and the building and development industry.

(3) The department, in consultation with the storm water technical resource center advisory committee, shall identify a funding strategy for funding the storm water technical resource center.

(4) The department shall encourage all interested parties to help and support the technical resource center with in-kind services.

(5) The department shall prepare and submit a biennial progress report to the legislature.

NEW SECTION. Sec. 5. Section 1 of this act expires January 1, 2015."

Correct the title.

Representative Blake spoke in favor of the adoption of the amendment.

Amendment (350) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Kretz spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2222.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2222 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1172, by Representatives Simpson, Nelson and Rolfes

Implementing a transfer of development rights program.

There being no objection, the substitute by the Committee on General Government Appropriations was substituted for

House Bill No. 1172 and the substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1172 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Nelson spoke in favor of the passage of the bill.

Representatives Angel, Hinkle and Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1172.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1172 and the bill passed the House by the following vote: Yeas, 62; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick

SECOND SUBSTITUTE HOUSE BILL NO. 1172, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1450, by Representatives Takko and Blake

Modifying the definition of "public facilities."

There being no objection, the substitute by the Committee on Capital Budget was substituted for House Bill No. 1450 and the substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1450 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Takko spoke in favor of the passage of the bill.

Representative Warnick spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1450.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1450 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 1450, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1774, by Representatives Haigh, Armstrong, Van De Wege, Morris, Blake, Orcutt and Kristiansen

Excluding certain state forest land revenues from the basic education allocation.

There being no objection, the substitute by the Committee on Ways & Means was substituted for House Bill No. 1774 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1774 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Cox spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1774.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1774 and the bill passed the House by the following vote: Yeas, 86; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Condotta, Conway, Cox, Darneille, Dickerson, Driscoll, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Chase, Crouse, Dammeier, DeBolt, Dunshee, Klippert, Parker, Roach, Schmick and Shea.

SUBSTITUTE HOUSE BILL NO. 1774, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1778, by Representative Blake

Modifying various provisions of Title 77 RCW.

There being no objection, the substitute by the Committee on General Government Appropriations was substituted for House Bill No. 1778 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1778 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1778.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1778 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Wallace.

SUBSTITUTE HOUSE BILL NO. 1778, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1965, by Representatives Hunt, Upthegrove, Dickerson and Simpson

Granting leave to employees with sensory disabilities to attend service animal training.

The bill was read the second time.

Representative Hunt moved the adoption of amendment (353):

On page 2, line 9, after "performance" insert ", except that the employee shall not be eligible for reimbursement under RCW 43.03.050 or RCW 43.03.060"

Representatives Hunt and Armstrong spoke in favor of the adoption of the amendment.

Amendment (353) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunt and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1965.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1965 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 1965, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2245, by Representative Cody

Clarifying public employees' benefits board eligibility.

There being no objection, the substitute by the Committee on Ways & Means was substituted for House Bill No. 2245 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2245 was read the second time.

With the consent of the House, amendment (236) was withdrawn.

Representative Cody moved the adoption of amendment (342):

On page 14, beginning on line 16, after "will work" strike "an average of at least half-time, as defined by the board per month" and insert "an average of at least eighty hours per month and for at least eight hours"

On page 14, beginning on line 21, after "who works" strike "an average of at least half-time, as defined by the board, per month" and insert "an average of at least eighty hours per month and for at least eight hours in each month"

On page 14, beginning on line 25, after "at least" strike "half-time, as defined by the board." and insert "eighty hours"

On page 14, line 32, strike "at least half-time, as defined by the board." and insert "an average of at least eighty hours per month and for at least eight hours"

Representatives Cody and Bailey spoke in favor of the adoption of the amendment.

Amendment (342) was adopted.

Representative Cody moved the adoption of amendment (343):

On page 17, line 17, after "each institution" insert ", except that half-time for community and technical college faculty employees shall have the same meaning as 'part-time' under RCW 28B.50.489"

Representatives Cody and Bailey spoke in favor of the adoption of the amendment.

Amendment (343) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2245.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2245 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera,

Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2245, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

SUPPLEMENTAL INTRODUCTION & FIRST READING

HB 2308 by Representatives Morris, Smith and Warnick

AN ACT Relating to aerospace competitiveness.

Referred to Committee on Community & Economic Development & Trade.

HB 2309 by Representatives Campbell and Conway

AN ACT Relating to safe and healthful food; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Environmental Health.

HB 2310 by Representatives Sells, Hinkle, Darneille and McCune

AN ACT Relating to reducing costs of the elections division of the office of the secretary of state; amending RCW 29A.52.330, 29A.52.340, 43.78.030, 29A.32.031, 29A.32.040, 29A.32.050, 29A.32.121, 29A.72.025, 29A.04.530, 29A.04.540, 29A.04.550, 29A.04.570, 29A.04.570, and 43.07.310; reenacting and amending RCW 29A.04.611; repealing RCW 29A.04.236, 29A.04.245, 29A.04.510, 29A.04.520, 29A.04.630, and 29A.40.150; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Tribal Affairs.

HB 2311 by Representatives Sells, Hinkle, Darneille and McCune

AN ACT Relating to legal notices for constitutional amendments and state measures; repealing RCW 29A.52.330 and 29A.52.340; and providing a contingent effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 2312 by Representative Linville

AN ACT Relating to designating the official state peace monument; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2313 by Representatives Grant-Herriot, Cox, Ericks, Schmick, Driscoll, Walsh, Short, Kretz, McCune, Linville, Van De Wege, Nelson, Green, Lias, Blake, Darneille, Sells, Wallace, Simpson, Eddy, Carlyle, White, Williams, McCoy, Orwall, Moeller, Chase, Hurst, Hunter, Rolfes, Finn, Sullivan, Springer, Jacks, Kelley, Seaquist, Clibborn, Probst, Cody, Hasegawa, Hudgins, Roberts, Kessler, Ormsby, O'Brien, Dickerson, Takko, Kenney, Morrell, Santos, Hunt, Miloscia and Goodman

AN ACT Relating to extending the length of commercial and farm vehicle permits; and amending RCW 46.16.162 and 46.44.095.

HJR 4212 by Representatives Sells, Hinkle, Darneille and McCune

Changing the notice requirement for amendments submitted to the people.

Referred to Committee on State Government & Tribal Affairs.

E2SSB 5850 by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Swecker, Keiser, Franklin, Kline, Hargrove, Fraser, Tom, Regala, Prentice, McAuliffe and Shin)

AN ACT Relating to protecting workers from human trafficking violations; amending RCW 18.71.080, 18.83.090, and 18.225.040; adding a new chapter to Title 19 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 2313 which was placed on the Second Reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

With the consent of the House, the following bills were returned to the Committee on Rules:

HOUSE BILL NO. 1700
HOUSE BILL NO. 1226
HOUSE BILL NO. 1263
HOUSE BILL NO. 1482
HOUSE BILL NO. 1489
HOUSE BILL NO. 1639
HOUSE BILL NO. 1646
HOUSE BILL NO. 1760
HOUSE BILL NO. 1931

There being no objection, the House advanced to the eighth order of business.

With the consent of the House, the Committee on Rules was relieved of HOUSE BILL NO. 1653, and the bill was placed on the Second Reading calendar.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

There being no objection, HOUSE BILL NO. 2016 was returned to the Committee on Rules.

There being no objection, the House advanced to the eighth order of business.

With the consent of the House, the Committee on State Government & Tribal Affairs was relieved of HOUSE BILL NO. 1029, and the bill was placed on the Second Reading calendar.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1887, by Representative Takko

Concerning diking districts. Revised for 1st Substitute: Authorizing the annexation of contiguous territory outside of a diking district that receives services from the district.

There being no objection, the substitute by the Committee on Local Government & Housing was substituted for House Bill No. 1887 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1887 was read the second time.

Representative McCoy moved the adoption of amendment (251):

On page 1, line 6, after "(1)" strike "Contiguous" and insert "Except as provided in subsection (3) of this section, contiguous"

On page 2, after line 30, insert "(3) Subsection (1) of this section does not apply to:

- (a) Land owned, managed, or leased by a federally recognized Indian tribe; or
- (b) Tribal trust land."

Representative McCoy spoke in favor of the adoption of the amendment.

Amendment (251) was adopted.

Representative Angel moved the adoption of amendment (375):

On page 2, line 16, after "district" insert ". The county legislative authority must provide notice of the hearing, by mail, to all property owners within the proposed annexation area as determined by the records of the county assessor. The notice must be mailed at least twenty-one days, but not more than twenty-eight days, before the public hearing"

Representatives Angel and Nelson spoke in favor of the adoption of the amendment.

Amendment (375) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Takko and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1887.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1887 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1887, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1886, by Representative Takko

Concerning flood control districts.

There being no objection, the substitute by the Committee on Local Government & Housing was substituted for House Bill No. 1886 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1886 was read the second time.

Representative Angel moved the adoption of amendment (374):

On page 6, line 24, after "district" insert ". The county legislative authority must provide notice of the hearing, by mail, to all property owners within the proposed annexation area as determined by the records of the county assessor. The notice must be mailed at least twenty-one days, but not more than twenty-eight days, before the public hearing"

Representatives Angel and Nelson spoke in favor of the adoption of the amendment.

Amendment (374) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Takko and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1886.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1886 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1886, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1722, by Representatives Crouse, Conway, Seaquist and Simpson

Addressing plan membership default provisions in the public employees' retirement system.

The bill was read the second time.

Representative Bailey moved the adoption of amendment (306)

On page 33, after line 14 of the striking amendment, insert the following:

"(4) If no new affordable housing units are created through the use of a transit-oriented housing fund within three years of the establishment of such fund, then all remaining funds must be distributed to a local housing assistance program to be designated by the local legislative authority and the account containing the funds closed."

Representatives Bailey and Chandler spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

Amendment (306) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Crouse, Conway and Armstrong spoke in favor of the passage of the bill.

Representative Bailey spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1722.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1722 and the bill passed the House by the following vote: Yeas, 85; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schmick, Seaquist, Sells, Short, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Bailey, Chandler, Ericksen, Herrera, Hinkle, Johnson, Klippert, Rodne, Ross, Shea and Smith.

HOUSE BILL NO. 1722, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2313, by Representatives Grant-Herriot, Cox, Ericks, Schmick, Driscoll, Walsh, Short, Kretz, McCune, Linville and Van De Wege

Extending the length of commercial and farm vehicle permits.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Grant-Herriot and Cox spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2313.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2313 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Anderson.

HOUSE BILL NO. 2313, having received the constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Hudgins congratulated Representative Grant-Herriot on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 1393, by Representatives Springer, Kessler, Eddy, Ormsby, Van De Wege, Liias, Morrell, Roberts, Upthegrove and Sullivan

Addressing residential real property construction improvements through consumer education, warranty protections, contractor registration requirements, and worker certification standards.

There being no objection, the substitute by the Committee on Ways & Means was substituted for House Bill No. 1393 and the substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1393 was read the second time.

With the consent of the House, amendment (290) was withdrawn and therefore amendment (341) was out of order; and amendments (373) and (355) were withdrawn.

Representative Springer moved the adoption of amendment (347):

Strike everything after the enacting clause and insert the following:

**"PART I.
OFFICE OF CONSUMER EDUCATION FOR HOME
CONSTRUCTION**

NEW SECTION. Sec. 1. A new section is added to chapter 43.10 RCW to read as follows:

(1) The office of consumer education for home construction is created in the office of the attorney general to be the primary point of contact for consumers in matters related to residential purchases and construction.

(2) The office of consumer education for home construction shall:

(a) Educate consumers about residential purchase and sale agreements and contracting for residential construction services, including the requirements of chapter 18.27 RCW and methods available to protect themselves against loss;

(b) Produce written and electronic consumer education materials about purchasing homes, contracting for residential construction services, and legal resources available to consumers;

(c) Create a pamphlet explaining a homeowner's legal rights and remedies and provide contractors and other construction professionals with a downloadable version of the pamphlet to attach to contracts for purchase and sale of new residential real property or the substantial remodel of existing residential real property. The office shall periodically update this pamphlet;

(d) Identify and work collaboratively with agencies and organizations who are already engaged in consumer education efforts regarding residential purchases and construction, such as the department of labor and industries, the department of licensing, local governments, the construction industry, financial institutions, and other interested organizations and individuals, to increase outreach to consumers;

(e) Share consumer education materials with and serve as a resource for agencies and organizations who are already engaged in consumer education;

(f) Develop a uniform manner of receiving, cataloging, analyzing, and responding to consumer complaints about residential construction, and develop a system of tracking resolutions of complaints and of claims received under section 8 of this act;

(g) Identify which agencies and organizations are already receiving complaints and coordinate with them to ensure that all agencies and organizations are requesting the same information from complaining consumers and that all consumers are referred to the office;

(h) Enter into data-sharing agreements with the department of labor and industries, local governments, and other agencies with enforcement duties in residential construction to increase assistance to consumers and enforcement of construction-related laws;

(i) Report to the legislature on an annual basis the total number of complaints about residential construction received and the total number of claims filed under section 8 of this act. For complaints, the office of consumer education for home construction shall summarize the nature of the complaints. For claims, the office of consumer education for home construction shall summarize the nature of the claims, the monetary value of the claims, whether claims have been resolved, and any other information that the office deems relevant. The first report is due on January 1, 2010, and subsequent reports are due on November 1st of each year thereafter; and

(j) Examine issues involved in establishing a recovery fund to provide compensation to residential real property homeowners through a claim filing process. The office of consumer education for home construction shall consult with appropriate agencies and representatives from organizations involved in the area of residential construction. The office of consumer education for home construction shall make recommendations to the legislature on the creation of a recovery fund by December 1, 2010.

Sec. 2. RCW 18.27.075 and 2001 c 159 s 14 are each amended to read as follows:

(1) The department shall charge a fee of one hundred dollars for issuing or renewing a certificate of registration during the 2001-2003 biennium. The department shall revise this amount at least once every two years for the purpose of recognizing economic changes as reflected by the fiscal growth factor under chapter 43.135 RCW.

(2) The department shall also charge a consumer education fee of one hundred dollars per year for issuing or renewing a certificate of registration. The department shall deposit the fee in the consumer education for home construction account created in section 3 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 43.10 RCW to read as follows:

The consumer education for home construction account is created in the custody of the state treasury for the purpose of funding the office of consumer education for home construction. All fees charged under subsection (2) of section 2 of this act and filing fees charged under section 8 of this act must be deposited into the account. Expenditures from the account may be used only to fund the office of consumer education for home construction. Only the home construction board created under section 6 of this act or the board's designee may authorize expenditure from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 4. RCW 43.79A.040 and 2008 c 208 s 9 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined

fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, the Washington state heritage center account, the consumer education for home construction account, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 5. A new section is added to chapter 43.10 RCW to read as follows:

For the purposes of sections 6 through 10 of this act, the following definitions apply:

(1) "Board" means the home construction board created in section 6 of this act.

(2) "Claim" means a claim filed with the board against a construction professional under section 8 of this act and does not mean a complaint as that term is used in section 1 of this act.

(3) "Construction professional" means a builder, builder-vendor, contractor, subcontractor, or inspector, performing or furnishing the design, supervision, inspection, construction, or observation of the construction, of any improvement to residential real property, whether operating as a sole proprietor, partnership, corporation, or other business entity. "Construction professional" does not include a supplier of materials who has otherwise had no involvement in performing or furnishing the design, supervision, inspection, construction, or observation of the construction, of any improvement to residential real property. "Construction professional" does not include an inspector who is an agent or employee of a local government and acting in his or her official capacity as an inspector.

(4) "Contractor" means a contractor, as defined in RCW 18.27.010, that is registered with the department of labor and industries under chapter 18.27 RCW.

(5) "Defect" means a deficiency, an inadequacy or an insufficiency arising out of or relating to the construction, alteration, or repair of residential real property. "Defect" also includes a deficiency, an inadequacy or an insufficiency in a system, component, or material incorporated into residential real property.

(6) "Damages" means the cost of repairs, or if the cost of repairs is clearly disproportionate to the loss in market value, damages is the loss in market value.

(7) "Homeowner" means a person or persons owning residential real property. "Homeowner" does not include government agencies, political subdivisions, financial institutions, and any other entity that purchases, guarantees, or insures a loan secured by real property. "Homeowner" also does not include the spouse, domestic partner, or personal representative of the contractor named in the claim filed under section 8 of this act.

(8) "Residential real property" has the same meaning as in section 14 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 43.10 RCW to read as follows:

(1) The home construction board is established within the office of consumer education for home construction to administer a residential real property homeowner and construction professional early resolution mediation program.

(2) The purpose of the board is to provide homeowners and construction professionals with a cost-effective and time-efficient process to resolve disputes arising from alleged construction.

(3) The board consists of the following seven members:

(a) Three members possessing a minimum of ten years of experience in the construction of residences and directly, or as employees or officers of a firm, registered under chapter 18.27 RCW;

(b) One member possessing a minimum of ten years of experience in the remodeling of residences and directly, or as employees or officers of a firm, registered under chapter 18.27 RCW;

(c) One architect licensed under chapter 18.08 RCW or professional engineer registered under chapter 18.43 RCW;

(d) One building inspector employed by a city or county; and

(e) One member of the general public.

(4) Members of the board shall be appointed by the governor with consent of the Senate. The governor shall appoint initial members of the board to staggered terms of from two to four years. Thereafter, all members shall be appointed to full four-year terms. Members of the board hold office until their successors are appointed. A vacancy shall be filled by appointment by the governor for the unexpired portion of the term in which the vacancy occurs.

(5) The board shall select from its members a chair person, vice chair person, and any other officer the board determines is necessary to perform its duties.

(6) The board shall meet a minimum of four times per year to carry out its functions.

(7) The board may adopt rules to implement the board's duties.

NEW SECTION. Sec. 7. A new section is added to chapter 43.10 RCW to read as follows:

(1) The board shall investigate and mediate claims filed by a homeowner against a construction professional for alleged construction defects to residential real property.

(2) The board may use the services of neutral third party experts to assist the board in investigating, assessing, and mediating claims. The board may rely on the national building standards and other recognized standards or codes that the board finds appropriate in investigating and assessing the claim.

(3) The board shall dismiss a claim if the board determines that the claim is against a contractor who is not registered under chapter 18.27 RCW.

NEW SECTION. Sec. 8. A new section is added to chapter 43.10 RCW to read as follows:

(1) A homeowner of residential real property alleging that a construction professional has performed defective work must, prior to commencing an action against the construction professional, file a claim against the construction professional with the board.

(2) The claim shall be in the form required by the board, and shall include, at a minimum:

(a) The name and mailing address of the homeowner or the homeowner's legal representative, if any;

(b) The address and location of the residential real property;

(c) The names and addresses of the construction professionals, to the extent known to the homeowner, who performed the work;

(d) Whether the work performed involved construction of new residential real property or a substantial remodel of residential real property and the date that the homeowner took possession of the new residential real property or, for a substantial remodel, the date the work was substantially completed or the project was terminated;

(e) A description of the defective work performed and the actual or estimated costs of repair;

(f) Any report, estimates, and other documents evidencing the defect and the costs of repair;

(g) Whether there is a written contract between the construction professional and the homeowner and whether the contract contains warranties related to the work performed or the materials used.

(3) The board may not process a claim against a construction professional unless the claim is filed with the board within the applicable statute of limitations.

(4) When a claim is filed with the board within the applicable statute of limitations, the filing of the claim tolls any applicable statute of limitations and any applicable statute of repose for construction-related claims for the period of time until fifteen days after the board provides written notice of completion of mediation.

(5) Any action commenced in court by a homeowner prior to compliance with the requirements of this section shall be subject to dismissal without prejudice, and may not be recommenced until the homeowner has complied with the requirements of this section.

(6) The board by rule may impose a processing fee for claims filed under this section not to exceed one hundred dollars. The fee shall be deposited into the consumer education for home construction account created under section 3 of this act.

NEW SECTION. Sec. 9. A new section is added to chapter 43.10 RCW to read as follows:

(1) Upon receipt of a claim, the board shall give written notice to the construction professional against whom the claim is made. The notice of the claim shall describe the claim in reasonable detail sufficient to determine the nature of the defect.

(2) Within twenty-one days after service of the notice of claim, the construction professional shall serve a written response on the homeowner by registered mail or personal service. The written response shall:

(a) Propose to inspect the residence that is the subject of the claim and to complete the inspection within a specified time frame. The proposal shall include the statement that the construction professional shall, based on the inspection, offer to remedy the defect, compromise by payment, or dispute the claim;

(b) Offer to compromise and settle the claim by monetary payment without inspection. A construction professional's offer under this subsection (2)(b) to compromise and settle a homeowner's claim may

include, but is not limited to, an express offer to purchase the homeowner's residence that is the subject of the claim, and to pay the homeowner's reasonable relocation costs; or

(c) State that the construction professional disputes the claim and will neither remedy the defect nor compromise and settle the claim.

(3)(a) If the construction professional disputes the claim or does not respond to the notice of claim within the time stated in subsection (2) of this section, the board shall commence an investigation and mediation of the claim.

(b) If the homeowner rejects the inspection proposal or the settlement offer made by the construction professional pursuant to subsection (2) of this section, the homeowner shall serve written notice of the rejection on the construction professional and the board. After service of the rejection, the board shall commence an investigation and mediation of the claim.

(c) If the construction professional has not received from the homeowner, within thirty days after the homeowner's receipt of the construction professional's response, either an acceptance or rejection of the inspection proposal or settlement offer, then at anytime thereafter the construction professional may terminate the proposal or offer by serving written notice to the homeowner, and the board shall commence an investigation and mediation of the claim.

(4)(a) If the homeowner elects to allow the construction professional to inspect in accordance with the construction professional's proposal pursuant to this section, the homeowner shall provide the construction professional and its contractors or other agents reasonable access to the homeowner's residence during normal working hours to inspect the premises and the claimed defect.

(b) Within fourteen days following completion of the inspection, the construction professional shall serve on the homeowner:

(i) A written offer to remedy the defect at no cost to the homeowner, including a report of the scope of the inspection, the findings and results of the inspection, a description of the additional construction necessary to remedy the defect, and a timetable for the completion of such construction;

(ii) A written offer to compromise and settle the claim by monetary payment pursuant to subsection (2)(b) of this section; or

(iii) A written statement that the construction professional will not proceed further to remedy the defect.

(c) If the construction professional does not proceed further to remedy the defect within the agreed timetable, or if the construction professional fails to comply with the provisions of (b) of this subsection, the homeowner shall provide written notification to the board. The board shall commence an investigation and mediation of the claim.

(d) If the homeowner rejects the offer made by the construction professional pursuant to (b)(i) or (ii) of this subsection (4) to either remedy the defect or to compromise and settle the claim by monetary payment, the homeowner shall serve written notice of the rejection on the construction professional and the board. After service of the rejection notice, the board shall commence an investigation and mediation of the claim.

(e) If the construction professional has not received from the homeowner, within thirty days after the homeowner's receipt of the construction professional's response, either an acceptance or rejection of the offer made pursuant to (b)(i) or (ii) of this subsection (4), then at anytime thereafter the construction professional may terminate the offer by serving written notice to the homeowner.

(5)(a) Any homeowner accepting the offer of a construction professional to remedy the defect pursuant to subsection (4)(b)(i) of this section shall do so by serving the construction professional with a written notice of acceptance within a reasonable time period after

receipt of the offer, and no later than thirty days after receipt of the offer. The homeowner shall also send a copy of the written notice of acceptance to the board. The homeowner shall provide the construction professional and its contractors or other agents reasonable access to the homeowner's residence during normal working hours to perform and complete the construction by the timetable stated in the offer.

(b) The homeowner and construction professional may, by written mutual agreement, alter the extent of construction or the timetable for completion of construction stated in the offer, including, but not limited to, repair of additional defects.

(6) Compliance with this section satisfies the requirements of RCW 64.50.020.

NEW SECTION. Sec. 10. A new section is added to chapter 43.10 RCW to read as follows:

(1) If, after compliance with the procedures established in section 9 of this act, a resolution has not been reached between the homeowner and construction professional, the board shall investigate the claim.

(2) The board may use the services of neutral third party experts to conduct on-site investigations, make recommendations to the board, and assist the board in investigating and mediating claims.

(3) After the investigation is complete, the board shall provide the parties with notification of the findings of the investigation. If the parties do not provide the board with written notification within fourteen days after receipt of the findings that the parties have resolved the claim, the board shall mediate the claim.

(4) The mediation shall be conducted by a panel of three members of the board in accordance with rules adopted by the board.

(5) All proceedings of the mediation conference, including any statement made by any party, attorney or other participant, shall be privileged and not reported, recorded, placed in evidence, used for impeachment, made known to a court or jury, or construed for any purpose as an admission. No party shall be bound by anything done or said at the mediation conference unless a settlement is reached, in which event the agreement upon a settlement shall be reduced to writing and shall be binding upon all parties to that agreement.

(6) At the conclusion of the mediation the board shall provide a written notice of the completion of mediation to the parties. The notice shall include a statement of the results of the mediation and a copy of any written settlement agreement between the parties. If the parties did not reach an agreement, the notice shall include a statement that the parties may pursue any other right or remedy provided under statutory or common law. However, a homeowner who files an action under the common law implied warranty of habitability waives any available claim under express contract warranties. A homeowner who files a claim under express contract warranties waives any claim under the common law implied warranty of habitability.

NEW SECTION. Sec. 11. A new section is added to chapter 43.10 RCW to read as follows:

(1) The board shall maintain and make available to the office of consumer education for home construction a record of all claims filed with the board against construction professionals under this chapter and the outcomes of those claims.

(2) The office of consumer education for home construction shall compile a summary of the claims into a report for the legislature as required under section 1 of this act.

NEW SECTION. Sec. 12. A new section is added to chapter 64.50 RCW to read as follows:

The provisions of RCW 64.50.020 do not apply to a claim filed with the home construction board under sections 8 through 10 of this act.

PART II. RESIDENTIAL REAL PROPERTY WARRANTIES

NEW SECTION. Sec. 13. A new section is added to chapter 64.50 RCW to read as follows:

(1) The common law implied warranty of habitability may not be disclaimed, waived, modified, or limited by contractual agreement. A provision of any contract for the purchase or sale of newly constructed residential property that purports to disclaim, waive, modify, or limit the implied warranty of habitability is void and unenforceable.

(2) The common law implied warranty of habitability for newly constructed residential real property extends to any homeowner who purchases the property within six years of its construction, and is not limited to the initial owner-occupant of the property. A homeowner who purchases the property subsequent to the initial owner-occupant, and within six years of the construction of the property, receives the same protections of the common law implied warranty of habitability as possessed by the person from whom the property was purchased.

(3) Damages awarded for a breach of the implied warranty of habitability are the cost of repairs. However, if it is established that the cost of repairs is clearly disproportionate to the loss in market value caused by the breach, damages are limited to the loss in market value.

NEW SECTION. Sec. 14. A new section is added to chapter 64.50 RCW to read as follows:

(1) Every contract for the sale or construction of new residential real property shall provide for written express warranties to the purchaser or owner of the residential real property.

(2) The express warranties shall meet the following requirements:

(a) The express warranties must assure timely resolution of homeowners' complaints or claims covered under subsection (j) of this section.

(b) The entire cost to the homeowner for the express warranties coverage must be prepaid by the entity providing the express warranties, or the express warranties issuer must give irrevocable coverage, at the time of settlement.

(c) Unexpired express warranties coverage must be automatically transferred, without additional cost, to subsequent homeowners.

(d) Issued express warranties coverage must be noncancellable by the express warranties issuer or by its insurance backers.

(e) Exclusions from express warranties coverage must not defeat coverage objectives stated in subsection (j) of this section and must permit normal homeowner use of the covered property, including normal maintenance and emergency property protection measures.

(f) (i) Unless prohibited by applicable law, express warranties must, at a minimum, stipulate that all homeowner complaints covered by express warranties, including those regarding construction deficiencies and structural defects claims, will be settled in the amount of their actual cost to correct or for the original sales price of the property, whichever is the lesser, subject to a deductible not to exceed a total of two hundred fifty dollars for all claims filed by a homeowner during the first two years of coverage and not to exceed a maximum of two hundred fifty dollars per claim during the third through the tenth year of coverage.

(ii) A homeowner shall be liable for a deductible only if the entity providing the express warranties defaults on warranty performance and the express warranties issuer has to make the covered corrections. When the entity providing the express warranties performs corrections under the warranties, no deductible that may be included in the express warranties is applicable.

(g) In the event of any dispute regarding a homeowner complaint or structural defect claim, express warranties must, unless prohibited by applicable law, provide for binding arbitration proceedings arranged

through a nationally recognized dispute settlement organization. The sharing of arbitration charges shall be as determined by the express warranties. Express warranties must contain pre-arbitration conciliation provisions at no cost to the homeowner, and provision for judicial resolution of disputes, but arbitration, which must be available to a homeowner during the entire term of the coverage contract, must be an assured recourse for a dissatisfied homeowner.

(h) An express warranties issuer must provide homeowners an executed coverage contract clearly describing:

- (i) The identity of the property covered;
- (ii) The time at which coverage begins;
- (iii) The maximum amount of express warranties liability;
- (iv) Noncancellability of the coverage contract by the express warranties or its insurance backers;
- (v) No-cost transferability of unexpired coverage to successors in title;
- (vi) The property coverage provided;
- (vii) Any exclusions from coverage;
- (viii) Performance standards for resolving homeowner complaints and claims, if standards for complaint and claim adjustment are promulgated as part of the express warranties;
- (ix) Dispute settlement procedures;
- (x) The names, addresses, and telephone numbers of the express warranties issuer and its insurance backers; and
- (xi) When, to whom, under what conditions, and to what address homeowners should submit any construction deficiency complaints or structural defects claims.

(i) Express warranties will not be required to warrant that a covered property complies with:

- (i) Original dwelling plans and specifications;
- (ii) Applicable building codes; or
- (iii) Specific terms of a homeowner's contract to purchase a property.

(j) Express warranties coverage must take effect at closing or settlement following the initial sale of the property to the homeowner and must include the following minimum level of coverage:

(i) During the first year of coverage, the express warranties must provide for a warranty against defects in workmanship and materials resulting from the failure of the covered property to comply with standards of quality as measured by acceptable trade practices, as well as correct the problems with, or restore the reliable function of, appliances and equipment damaged during installation or improperly installed. The express warranties must also cover structural defects as defined in subsection (4) of this section.

(ii) During the first and second year of coverage, the express warranties must provide a warranty against defects in the wiring, piping and ductwork in the electrical, plumbing, heating, cooling, ventilating, and mechanical systems.

(iii) Basement slabs in designated areas must be covered by a warranty against damage from the first through the fourth year.

(iv) From the first through the tenth year, structural defect, as defined in subsection (4) of this section, except as provided in (iii) of this subsection (j), must be covered by a warranty in the express warranties.

(k) The express warranties must provide insurance coverage for default on any warranty obligation.

(3) This section does not apply to condominiums subject to chapter 64.34 RCW.

(4) For the purposes of this section:

(a) "Construction deficiencies" are defects, not of a structural nature, in residential real property covered by express warranties that are attributable to poor workmanship or to the use of inferior materials

which result in the impaired functioning of the residential real property or some part thereof. Defects resulting from homeowner abuse or from normal wear and tear are not considered construction deficiencies.

(b) "Residential real property" means a single-family home, a duplex, a triplex, or a quadraplex.

(c) "Structural defect" is actual physical damage to the designated load-bearing portions of residential real property caused by failure of such load-bearing portions that affects their load-bearing functions to the extent that the structure becomes unsafe, unsanitary, or otherwise unlivable. "Load-bearing components" for the purpose of defining structural defects are defined as follows: footing and foundation systems; beams; girders; lintels; columns; load-bearing walls and partitions; roof framing systems; and floor systems. "Structural defect" does not include damage to the following nonload-bearing portions of the structure: roofing; drywall and plaster; exterior siding; brick, stone, or stucco veneer; floor covering material; wall tile and other wall coverings; nonload-bearing walls and partitions; concrete floors in attached garages; electrical; plumbing, heating, cooling and ventilation systems; appliances, fixtures and items of equipment; paint; doors and windows; trim, cabinets, hardware, and insulation.

PART III. CONTRACTOR REGISTRATION

Sec. 15. RCW 18.27.030 and 2008 c 120 s 1 are each amended to read as follows:

(1) An applicant for registration as a contractor shall submit an application under oath upon a form to be prescribed by the director and which shall include the following information pertaining to the applicant:

- (a) Employer social security number.
- (b) Unified business identifier number.
- (c) Evidence of workers' compensation coverage for the applicant's employees working in Washington, as follows:

(i) The applicant's industrial insurance account number issued by the department;

(ii) The applicant's self-insurer number issued by the department; or

(iii) For applicants domiciled in a state or province of Canada subject to an agreement entered into under RCW 51.12.120(7), as permitted by the agreement, filing a certificate of coverage issued by the agency that administers the workers' compensation law in the applicant's state or province of domicile certifying that the applicant has secured the payment of compensation under the other state's or province's workers' compensation law.

(d) Employment security department number.

(e) Unified business identifier (UBI) account number may be substituted for the information required by (c) and (d) of this subsection if the applicant will not employ employees in Washington.

(f) Type of contracting activity, whether a general or a specialty contractor and if the latter, the type of specialty.

(g) Type of work performed, whether residential, commercial, or both.

(h) The name ((and)), address, social security number, date of birth, and driver's license number of each partner if the applicant is a firm or partnership, or the name ((and)), address, social security number, date of birth, and driver's license number of the owner if the applicant is an individual proprietorship, or the name ((and)), address, social security number, date of birth, and driver's license number of the corporate officers and statutory agent, if any, if the applicant is a corporation, or the name ((and)), address, social security number, date of birth, and driver's license number of all members of other business

entities. The information contained in such application is a matter of public record and open to public inspection.

(i) The registration numbers and unified business identifier account numbers of previously or currently registered businesses involving the same owner, principal, or officer as the applicant.

(j) Disclosure of any bankruptcy proceedings filed by or against the applicant.

(k) Information about any construction licenses, certifications, or registrations that have been issued to the applicant by other states. The applicant shall also provide details about any denials, suspensions, revocations, or any enforcement actions related to construction against the applicant by other states.

(2) The department may verify the workers' compensation coverage information provided by the applicant under subsection (1)(c) of this section, including but not limited to information regarding the coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington.

(3)(a) The department shall deny an application for registration if: (i) The applicant has been previously performing work subject to this chapter as a sole proprietor, partnership, corporation, or other entity and the department has notice that the applicant has an unsatisfied final judgment against him or her in an action based on work performed subject to this chapter or the applicant owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment; (ii) the applicant was an owner, principal, or officer of a partnership, corporation, or other entity that either has an unsatisfied final judgment against it in an action that was incurred for work performed subject to this chapter or owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment; (iii) the applicant does not have a valid unified business identifier number; (iv) the department determines that the applicant has falsified information on the application, unless the error was inadvertent; ~~((or))~~ (v) the applicant does not have an active and valid certificate of registration with the department of revenue; or (vi) the department has determined that a different state has taken enforcement action against the applicant for activities that would be a violation of this chapter if they had occurred in Washington state.

(b) The department shall suspend an active registration if: (i) The department has determined that the registrant has an unsatisfied final judgment against it for work within the scope of this chapter; (ii) the department has determined that the registrant is a sole proprietor or an owner, principal, or officer of a registered contractor that has an unsatisfied final judgment against it for work within the scope of this chapter; (iii) the registrant does not maintain a valid unified business identifier number; (iv) the department has determined that the registrant falsified information on the application, unless the error was inadvertent; ~~((or))~~ (v) the registrant does not have an active and valid certificate of registration with the department of revenue; or (vi) the department has determined that a different state has taken enforcement action against the registrant for activities that would be a violation of this chapter if they had occurred in Washington state.

(c) The department may suspend an active registration if the department has determined that an owner, principal, partner, or officer of the registrant was an owner, principal, or officer of a previous partnership, corporation, or other entity that has an unsatisfied final judgment against it.

(4) The department shall not deny an application or suspend a registration because of an unsatisfied final judgment if the applicant's or registrant's unsatisfied final judgment was determined by the director to be the result of the fraud or negligence of another party.

NEW SECTION. Sec. 16. A new section is added to chapter 18.27 RCW to read as follows:

A registered contractor, by or against whom a petition in bankruptcy has been filed, shall notify the department of the proceedings in bankruptcy, including the identity and location of the court in which the proceedings are pending, within ten days of the filing.

NEW SECTION. Sec. 17. Sections 5 through 12 of this act take effect January 1, 2010.

NEW SECTION. Sec. 18. Part headings used in this act are not any part of the law."

Correct the title.

With the consent of the House, amendment (367) to amendment (347) was withdrawn.

Representative Conway moved the adoption of amendment (371) to amendment (347):

On page 3, line 16 of the striking amendment, after "registration" insert "to a contractor who discloses, as required under RCW 18.27.030, that he or she will perform both residential and commercial work or only residential work. A contractor who discloses that he or she will perform only commercial work is not required to pay the fee"

Representatives Conway, Rodne and Pedersen spoke in favor of the adoption of the amendment to amendment (347).

Amendment (371) to amendment (347) was adopted.

Representative Williams moved the adoption of amendment (376) to amendment (347):

On page 33, after line 14 of the striking amendment, insert the following:

"(4) If no new affordable housing units are created through the use of a transit-oriented housing fund within three years of the establishment of such fund, then all remaining funds must be distributed to a local housing assistance program to be designated by the local legislative authority and the account containing the funds closed."

Representatives Williams, Rodne and Pedersen spoke against the adoption of the amendment to amendment (347).

Amendment (376) to amendment (347) was adopted.

Representative Rodne moved the adoption of amendment (369) to amendment (347):

On page 13, line 27 of the striking amendment, after "any" strike all material through "under" and insert "claim under any available"

On page 15, line 7 of the striking amendment, strike "shall" and insert "may"

Representative Rodne spoke in favor of the adoption of the amendment to amendment (347).

Representative Pedersen spoke against the adoption of the amendment to amendment (347).

Amendment (369) to amendment (347) was not adopted.

Representative Kessler moved the adoption of amendment (370) to amendment (347):

On page 22, line 9 of the striking amendment, strike "12" and insert "14"

On page 22, line 10 of the striking amendment, strike "January" and insert "April"

Representatives Kessler, Rodne and Pedersen spoke in favor of the adoption of the amendment to amendment (347).

Amendment (370) to amendment (347) was adopted.

Representative Rodne moved the adoption of amendment (357) to amendment (347):

On page 1 of the striking amendment, strike all material after line 2 and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that homeowners have experienced problems in residential construction, resulting in great economic loss, only to discover that there are limited remedies available at law, if any. However, it is unclear if construction defects are an industry-wide problem or limited to a small segment of builders and other construction professionals. The scope and nature of the problem must be determined in order for the legislature to develop a comprehensive solution that may necessitate several pieces of legislation covering a wide range of issues from contractor licensing, permit processes and sign-offs, requirements of the state building code and of building officials, as well as homeowner warranties.

NEW SECTION. Sec. 2. (1) A committee on residential construction is created. The committee consists of the following members who have experience and expertise in residential construction law or residential construction:

(a) One member from each caucus of the senate, appointed by the president of the senate;

(b) One member from each caucus of the house of representatives, appointed by the speaker of the house of representatives;

(c) The director of the department of labor and industries or the director's designee;

(d) The president of the state building code council or the president's designee;

(e) The following six members, jointly appointed by the speaker of the house of representatives and the president of the senate:

(i) Two builders;

(ii) A residential construction defect plaintiff's attorney;

(iii) A residential construction defect defense attorney;

(iv) A representative of the insurance industry; and

(v) A representative of a statewide building industry association.

(2) The committee shall choose two co-chairs from among its membership.

(3) The committee shall:

(a) Examine whether enhanced regulation of construction professionals is needed, including whether contractors should be licensed or subject to enhanced registration requirements, whether

construction workers should be certified, and what education and training requirements should exist for contractors and construction workers;

(b) Evaluate whether current surety bond requirements are sufficient or if increased or additional bonding requirements are necessary to protect both construction professionals and homeowners;

(c) Examine the state building code and determine whether the code should be strengthened to protect homeowners;

(d) Determine whether there should be increased standards for city and county building inspectors;

(e) Study current remedies at law for residential construction defects;

(f) Evaluate what impact a statutory warranty for new home construction would have on the industry and homeowners including, but not limited to, any concerns regarding increased insurance costs for construction professionals and home costs for homeowners. Within this evaluation, the committee shall examine other states that have implemented statutory home warranties including, at a minimum, Maryland and California; and

(g) Examine alternative models for addressing residential property construction defects, including an examination of Oregon's construction contractors board model for resolving construction defect claims.

(4) By December 31, 2009, the committee shall deliver to the appropriate committees of the legislature a report of the findings and conclusions of the committee and any proposed legislation.

NEW SECTION. Sec. 3. This act expires January 31, 2010.

Correct the title."

Representatives Rodne, Kristiansen and Ericksen spoke in favor of the adoption of the amendment to amendment (347).

Representative Pedersen spoke against the adoption of the amendment to amendment (347).

Amendment (357) was not adopted.

Amendment (347) as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Springer, Pedersen, Eddy, Seaquist, Nelson, Conway, Liias, Flannigan and Finn spoke in favor of the passage of the bill.

Representatives Rodne, Klippert, Walsh, Shea, Short, Kristiansen, Warnick, Orcutt, Schmick, Dammeier, Hinkle, Ross, Herrera, Angel, McCune and Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1393.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1393 and the bill passed the House by the following vote: Yeas, 52; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Dunshee, Ericksen, Finn, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Simpson, Smith, Wallace, Walsh, Warnick and Williams.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1393, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Second Substitute House Bill No. 1393.

AL O'BRIEN, 1st District

There being no objection, House Rule 13 (C) was suspended allowing the House to work passed 10:00 p.m..

MESSAGES FROM THE SENATE

March 11, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5141,
SECOND SUBSTITUTE SENATE BILL NO. 5433,
SENATE BILL NO. 5568,
SUBSTITUTE SENATE BILL NO. 5638,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5651,
SUBSTITUTE SENATE BILL NO. 5708,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5742,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5892,
SENATE BILL NO. 5951,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5967,
SENATE JOINT MEMORIAL NO. 8012,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2009

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5071,
SENATE BILL NO. 5453,

SUBSTITUTE SENATE BILL NO. 5537,
SUBSTITUTE SENATE BILL NO. 5684,
SECOND SUBSTITUTE SENATE BILL NO. 5691,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5807,
SUBSTITUTE SENATE BILL NO. 5963,
SUBSTITUTE SENATE BILL NO. 6052,
SENATE BILL NO. 6070,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 1402, by Representatives Williams, Campbell, Conway, Moeller and Green

Restricting contact with medical providers after appeals have been filed under industrial insurance.

There being no objection, the substitute by the Committee on Commerce & Labor was substituted for House Bill No. 1402 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1402 was read the second time.

Representative Condotta moved the adoption of amendment (139):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 51.52 RCW to read as follows:

(1)(a) Except as provided in (b), (c) and (d) of this subsection, after the filing of a notice of appeal under RCW 51.52.060(2) and confirmation of witnesses pursuant to the rules of the board, the department and its representatives and the employer and its representatives shall not have contact to discuss the facts or issues in question in the appeal with any medical provider who has examined or treated the worker at the request of the worker or treating medical provider and has been confirmed as a witness by the worker or the worker's representative, unless written authorization for contact is given by the worker or the worker's representative. Written authorization is only valid if given after the date of the worker's witness confirmation and expires ninety days after it is signed.

(b) Contact is permitted as necessary for the ongoing management of the claim, including but not limited to communication regarding the worker's treatment needs and the provider's treatment plan, vocational and return-to-work issues and assistance, and certification of the worker's inability to work, unless these issues are in question in the appeal.

(c) If the department and its representatives or the employer and its representatives wish to communicate with the examining or treating medical providers concerning the issues in question in the appeal and no written authorization from the worker or the worker's representative has been obtained, after the worker's confirmation of witnesses the communication must either be:

(i) In writing including by e-mail, sent contemporaneously to all parties with a notice to the provider in bold type that any response must be in writing, including by e-mail;

(ii) In person, by telephone, or videoconference, at a date and time mutually agreed to by all parties, with the worker or the worker's representative given the opportunity to fully participate; or

(iii) Pursuant to a properly scheduled and noted deposition.

(d) Written authorization is not required if the worker fails to confirm the examining or treating medical provider as a witness as required by the board.

(2)(a) Except as provided in (b) and (c) of this subsection, after the filing of a notice of appeal under RCW 51.52.060(2) and confirmation of witnesses pursuant to rules of the board, the worker and the worker's representative, if any, shall not have contact to discuss the facts or issues in question in the appeal with any medical provider who has examined the worker at the request of the employer or the employer's representative and has been confirmed as a witness by the employer or the employer's representative, unless written authorization for contact is given by the employer or the employer's representative. Written authorization is only valid if given after the date of the employer's witness confirmation and expires ninety days after it is signed.

(b) If the worker or the worker's representative wishes to communicate with a medical provider who has examined the worker at the request of the employer and no written authorization from the employer or the employer's representative has been obtained, the communication must either be:

(i) In writing, including by e-mail, sent contemporaneously to all parties with a notice to the provider in bold type that any response must be in writing, including by e-mail;

(ii) In person, by telephone, or videoconference, at a date and time mutually agreed to by all parties, with the department, employer, and their representatives given the opportunity to fully participate; or

(iii) Pursuant to a properly scheduled and noted deposition.

(c) Written authorization is not required if the employer fails to confirm the examining medical provider as a witness as required by the board.

(3)(a) Except as provided in (b) and (c) of this subsection, after the filing of a notice of appeal under RCW 51.52.060(2) and confirmation of witnesses pursuant to the rules of the board, the worker and worker's representative, if any, shall not have contact to discuss the facts or issues in question in the appeal with any medical provider who has examined the worker at the request of the department and has been confirmed as a witness by the department or employer unless written authorization for contact is given by the department or its representative or, in the event that the department is not participating in the appeal, by the employer or its representative. Written authorization is only valid if given after the date of the department's witness confirmation or, if the department is not participating in the appeal, the employer's witness confirmation, and expires ninety days after it is signed.

(b) If the worker or the worker's representative wishes to communicate with a medical provider who has examined the worker at the request of the department, and no written authorization has been obtained from the department or the department's representative or, if the department is not participating in the appeal, the employer or the employer's representative, the communication must either be:

(i) In writing, including by e-mail, sent contemporaneously to all parties with a notice to the provider in bold type that any response must be in writing, including by e-mail;

(ii) In person, by telephone, or videoconference, at a date and time mutually agreed to by all parties, with the department, employer, and their representatives given the opportunity to fully participate; or

(iii) Pursuant to a properly scheduled and noted deposition.

(c) Written authorization is not required if the department or employer fails to confirm the examining medical provider as a witness as required by the board.

(4) The board may determine whether the parties have made themselves reasonably available to participate in telephone or videoconference communications as provided in subsections (1)(c)(ii), (2)(b)(ii) and (3)(b)(ii) of this section.

(5) This section only applies to issues set forth in a notice of appeal under RCW 51.52.060(2).

(6) This section does not limit the reporting requirements under RCW 51.04.050 and 51.36.060 for issues not set forth in a notice of appeal.

(7) The department and the board may adopt rules as necessary to implement the provisions of this section.

NEW SECTION, Sec. 2. This act applies to orders entered on or after the effective date of this section."

Representative Condotta spoke in favor of the adoption of the amendment.

Representative Williams spoke against the adoption of the amendment.

Amendment (139) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Williams, Green, Campbell and Conway spoke in favor of the passage of the bill.

Representatives Condotta, Rodne, Shea and Chandler spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1402.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1402 and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Halder, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morrell, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Wallace, Walsh and Warnick.

SUBSTITUTE HOUSE BILL NO. 1402, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1415, by Representatives Hasegawa, Haler, Hunt, Armstrong, Eddy, Newhouse, Conway, Wood, Williams, Johnson, Chase, Upthegrove, Condotta, Moeller and Ormsby

Providing for the sales of wine at the legislative gift center.

There being no objection, the substitute by the Committee on Commerce & Labor was substituted for House Bill No. 1415 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1415 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hasegawa, Condotta, Hunt and Johnson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1415.

MOTIONS

On motion of Representative Santos, Representative Flannigan was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1415 and the bill passed the House by the following vote: Yeas, 85; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Klippert, Kretz, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Chandler, Crouse, Ericksen, Goodman, Kelley, Kristiansen, Orcutt, Pearson, Shea and Williams.

Excused: Representative Flannigan.

SUBSTITUTE HOUSE BILL NO. 1415, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1512, by Representatives Haler, Roach and Klippert

Authorizing the funding of rail freight service through grants.

There being no objection, the substitute by the Committee on Transportation was substituted for House Bill No. 1512 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1512 was read the second time.

Representative Haler moved the adoption of amendment (132):

On page 3, beginning on line 18, after "(11)" strike all material through "consideration." on line 23 and insert the following:

"((Moneys distributed under this chapter should be provided as loans wherever practicable. Except as provided by section 3, chapter 73, Laws of 1996, for improvements on or to privately owned railroads, railroad property, or other private property, moneys distributed shall be provided solely as loans.)) Moneys may be granted for improvements to privately owned railroads, railroad property, or other private property under this chapter for freight rail projects that meet the minimum eligibility criteria for state assistance under RCW 47.76.240, and which are supported by contractual consideration. At a minimum, such contractual consideration shall consist of defined benefits to the public with a value equal to or greater than the grant amount, and where the grant recipient provides the state a contingent interest adequate to ensure that such public benefits are realized."

Representatives Haler and Clibborn spoke in favor of the adoption of the amendment.

Amendment (132) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haler and Clibborn spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1512.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1512 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the Committee on Rules was relieved of further consideration of HOUSE BILL NO. 1775, and the bill was placed on the Second Reading calendar.

There being no objection, the House adjourned until 10:00 a.m., March 12, 2009, the 60th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk